

ENVIRONMENTAL ASSESSMENT
Case File No. : AA-049801
AK-040-04-EA-016

Applicant: University of Alaska
3890 University Lake Drive, Suite 103
Anchorage, Alaska 99508

Providence Alaska Medical Center
P.O. Box 196604
Anchorage, Alaska 99519-6604

Type of
Action: Transfer of Title and Change of Use of an R&PP Act Patent, 43 CFR §2741.6

Location: Seward Meridian, T. 13 N., R. 3 W., Section 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$; excepting portions of this land covered
under BLM Certificate No. 50-28, and a portion to be retained by the University

Prepared By: Rodney Huffman, Realty Specialist
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Preparing
Office: Bureau of Land Management
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Date: March 25, 2004

I. INTRODUCTION:

A. Background:

The Bureau of Land Management (BLM), under the Recreation and Public Purposes (R&PP) Act of June 14, 1926, patented land, Patent No. 50-64-0187, to the Alaska Methodist University (AMU) in 1964, for school purposes. This patent included a 15 acre parcel shaped like a stair-step. On June 7, 1972, the BLM authorized the AMU to transfer the “stair-step” parcel to the University of Alaska (University) for school purposes, through Transfer of Title Certificate No. 50-9.

Hereafter, the University delineated a parcel called Tract A (recorded in the Anchorage Recording District on March 20, 1986), which bisected this 15 acre “stair-step” parcel.

On April 29, 1988, BLM issued a Transfer of Title and Change of Use Certificate No. 50-28, to authorize the University to transfer 1.51 acres of the land that lay outside the boundary of Tract A, to Providence Alaska Medical Center (Providence). The allowable use on the 1.51 acres was changed from school purposes to recreation. Approximately 13.49 acres of the original 15 acres remain for school purposes with the University.

The University is proposing to retain approximately 0.33 acres of the remaining 13.49 acres, and transfer the rest (approximately 13.16 acres) to Providence.

See Exhibit A, “Map of BLM Approvals for the Stair-Step Parcel,” for a diagram of this background.

B. Purpose and Need for the Proposed Action:

The Proposed Action will authorize the University and Providence to enter into a mutually beneficial agreement to transfer land between each party. This land transfer would allow each party to expand their facilities adjacent to their own properties. These new facilities would better serve the public because: 1. The new facilities are needed, and 2. The location is closer to their other facilities.

C. Conformance with Land Use Plan:

The Proposed Action has been reviewed and found to be in compliance with the Southcentral Management Framework Plan (MFP), March 1980. Objective Number L-1 of the MFP states the BLM intends to “Satisfy state and local government needs as well as public and/or private demonstrated needs for land as they arise.”

II. PROPOSED ACTION AND ALTERNATIVE

A. Proposed Action:

The Proposed Action is to authorize the University to transfer title to land patented under the R&PP Act to Providence through a Transfer of Title and Change of Use Certificate. The lands to be transferred from the University to Providence equal approximately 13.16 acres. This acreage is the remaining portion of the “stair-step” parcel from patent 50-64-0187, lying within the boundary of Tract A, less 0.33 acres to be retained by the University (yellow colored lands on Exhibit A). If title would be transferred to Providence, the allowable land use would be changed from school purposes to health care purposes.

The reason the University and Providence would like to enter into a land transfer agreement is because each party would gain land adjacent to their own property, where new improvements and open space would greatly enhance each operation. The property the University would be receiving from Providence is fee title with no reversionary interests to the United States. The parcel Providence would be receiving from the University contains the reversionary interest of the United States under the R&PP Act. With the reversionary clause tied to the property that would be going to Providence, BLM must approve of the title transfer and change of use. This analysis focuses solely on this 13.16 acre parcel that would be going to Providence.

This land would allow for Providence to expand its facilities and open space. According to Providence’s Plan of Development, the land would allow for a parking structure to support the medical center. Providence would gain ownership of the existing road access leading to other Providence property. Providence’s property lying adjacent to this land is the proposed site for the Providence House; a replacement hostel which supports families of in-patients and out-patients of the medical center. Generally, the parcel is viewed by Providence as necessary for the future development to provide healthcare services. The future uses may include: ambulatory care, psychiatric care, long term care, and other support services.

The University and Providence have entered into discussions with the Municipality of Anchorage, U.S. Fish and Wildlife Service, Environmental Protection Agency, Army Corp of Engineers, and National Oceanic and Atmospheric Administration regarding a Municipality proposed trail going through Chester Creek, called the Chester Creek Trail (the lay of the trail is only speculative at this time). The trail easement could be donated to the Municipality, leaving the Municipality with liability and maintenance of the trail. If the Municipality would take over the trail, the Municipality would be considered a

third party on the land, as defined under the R&PP Act regulations. A third party facility requires a BLM determination that the facility is appropriate, before the patent holder could authorize the facility. In the future, if negotiations yield a steadfast proposal, the holder of the patent (the University or perhaps Providence), would need to contact BLM for approval, before the trail would be built and transferred to the Municipality. Along with the request for the third party facility, the patent holder would be required to supply the plan of development for the trail and an Army Corp of Engineers Section 404 permit, if the trail would be proposed to cross wetlands.

See Exhibit B for a diagram of Providence's Plan of Development, dated February 13, 2004.

There are wetlands on this property. According to the "U-MED, University and Medical District Framework Master Plan, Anchorage AK – Public Review Draft – May 2003" (which Providence, the University, and other participants are to conform to, once finalized), the wetlands require a Section 404 permit from the Army Corp of Engineers. In referencing Providence's Plan of Development, all proposed developments lie on already disturbed sites or outside the wetland boundary. See Exhibit C, an aerial photo of the area taken in 2001, to see the already disturbed areas and compare to the Plan of Development.

Exhibit D is another diagram of the area that combines the information shown on Exhibits A, B, and C.

B. Health Care and Recreational Use Alternative:

Under this alternative, the transfer of title to Providence would occur and Providence would follow their plan of development, as described in the Proposed Action, however, the change of use would be for health care purposes and recreation. Generally, an R&PP designation as recreational use allows for open space, trails, parks, etc. In this case, the portion of the parcel defined as wetlands (as delineated on the plan of development) would be for recreational use. Since the wetlands are not intended to be developed, (except for a possible trail), this characterization of use for recreation, compliments the intentions of Providence's plan of development. The portions of this parcel outside the wetlands would be considered as use for health care purposes, as development is intended outside the wetlands. This is different than the Proposed Action where the change of use would be entirely for health care purposes.

C. No Action Alternative:

The No Action Alternative would be to deny this application; the University would not transfer title to Providence and the use of the land would remain for

school purposes. As owner of this property, the University is allowed to develop it as it pleases, as long as the developments remain for school purposes. Currently, the University has a storage area on the property. There is a need for the University to grow to accommodate its student population. Although this property is not the ideal location to expand its facilities, the land could be developed in any manner for school purposes.

III. AFFECTED ENVIRONMENT

A. Critical Elements:

The following critical elements of the human environment have been analyzed and are either not present or will not be affected by the Proposed Action or the Alternatives.

- Air Quality
- Areas of Critical Environmental Concern
- Environmental Justice
- Farmlands (Prime or Unique)
- Flood plains
- Invasive, Non-native Species
- Native American Religious Concerns
- Wastes, Hazardous/Solid
- Water Quality (Surface/Ground)
- Wetlands/Riparian Zones
- Wild and Scenic Rivers
- Wilderness

1. Cultural Resources:

No cultural resources are known for this parcel. The parcel otherwise has low probability for previously undiscovered resources.

2. Subsistence Clearance:

BLM holds a reversionary interest in the lands, but this reversionary interest does not qualify the lands as Federal Public Lands per the Alaska National Interest Lands Conservation Act (ANILCA) Sec. 102(3). Since the lands are not considered Federal Public Lands under ANILCA Sec. 102(3), they do not fall under the authority of the Federal Subsistence Program and subsequent regulations.

3. Threatened and Endangered (T&E) Species Clearance:

No threatened or endangered species are located on or near this parcel.

B. Land Status:

The land was originally patented to AMU in 1964 (Patent No. 50-64-0187). Under this patent, the United States reserved the minerals and right to mine, build ditches and canals, and construct railroads, telegrams, and telephone lines in accordance with the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. Sec. 305). The land patent also contains a reverter clause under the R&PP Act, where transfer of title and/or change of use can not be done without consent of BLM. If BLM would give authorization to transfer the land, the land would be subject to all reservations and stipulations of the original patent.

C. Vegetation:

The undeveloped portions of this parcel are vegetated with Black spruce and birch.

D. Visual Resources:

The land currently contains the University's storage units, sand piles, and a heavy equipment yard and a road. See Exhibit E for a diagram of the currently developed area. Using the BLM Manual 8410 contrast rating criteria, this area rates fairly low as a class C. This is primarily due to the lack of vertical relief, little variety in vegetation and the visibility of the storage units and other man made structures.

IV. ENVIRONMENTAL CONSEQUENCES

A. Impacts of the Proposed Action:

1. Vegetation:

The vegetation in the areas where development is proposed would be removed.

2. Visual Resources:

A multi-level parking structure and other future developments would be developed in a currently undeveloped area. The vegetation may completely be removed and replaced with structures of various height, size, and color.

B. Impacts of the Health Care and Recreational Use Alternative:

1. Vegetation:

Impacts would be the same as the impacts under the Proposed Action.

2. Visual Resources:

Impacts would be the same as the impacts under the Proposed Action.

C. Impacts of the No Action Alternative:

1. Vegetation:

Although development plans are not currently proposed, the University, in the future, could remove the vegetation for development for school purposes.

2. Visual Resources:

The University would keep the land; and as they are currently allowed, may develop the land for school purposes. The developments could potentially be a multi-level parking structure, administration building, etc. adding visual obstructions where none currently exist.

D. Cumulative Impacts:

The cumulative impacts for the Proposed Action, the Health Care and Recreational Use Alternative, or the No Action Alternative are identical. Some of this undeveloped land would be developed by Providence under the Proposed Action or Health Care and Recreational Use Alternative. Under the No Action Alternative, the University would keep the land for school purposes and could develop the land as well. It seems inevitable with a growing student population and demand for space that this land would be developed at some point in the future. Whether a multi-level parking structure or structures are built, the undeveloped land would be developed. The development would lessen the open space and add to the already present development of the area.

E. Mitigation Measures:

There would be no mitigation measures implemented for the Proposed Action, the Health Care and Recreational Use Alternative, or the No Action Alternative.

V. CONSULTATION AND COORDINATION:

A. Individuals and Agencies Consulted

University of Alaska

B. List of Preparers:

Rodney Huffman, Realty Specialist – Co-lead Preparer
Natalie Cooper, Realty Specialist - Co-lead Preparer
Jake Schlapfer, Outdoor Recreation Planner
Jeff Denton, Subsistence Specialist
Donna Redding, Cultural Resource Specialist

5 Attachments

- 1-Exhibit A, Map of BLM Approvals for the Stair Step Parcel
- 2-Exhibit B, Providence's Plan of Development
- 3-Exhibit C, Aerial Photo
- 4-Exhibit D, Diagram combining information from Exhibits A, B, and C
- 5- Exhibit E, Diagram of the Currently Developed Area